

Chevy Chase Village Board of Managers' Meeting

September 12, 2016

***Note:** These minutes reflect the Board's actions only, and do not include remarks made by members of the Board of Managers, Legal Counsel, Village Staff or others in attendance.*

BOARD OF MANAGERS

Michael L. Denger, Chair	Present
Elissa A. Leonard, Vice Chair	Present
David L. Winstead, Secretary	Present
Minh Le, Assistant Secretary	Present
Gary Crockett, Treasurer	Present
Robert C. Goodwin, Jr., Assistant Treasurer	Present
Richard M. Ruda, Board Member	Present

STAFF

Shana R. Davis-Cook, Village Manager	Present
Adventino Dasilva, Police Lieutenant	Present
Michael Younes, Director of Municipal Operations	Present
Demetri Protos, Finance Director	Present
Ellen Sands, Permitting & Code Enforcement Coordinator	Present
Melissa Wiak, Community Liaison/Administrative Assistant	Present

COUNSEL

Suellen M. Ferguson, Village Counsel	Present
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Mr. Denger, Chair of the Board of Managers, called the meeting to order at 7:30 p.m.

Mr. Denger stated that the Village Board had met in closed session prior to the regular meeting pursuant to Section 3-305(b) (7) and (8) of the General Provisions Article, Annotated Code of Maryland, to consult with Counsel to obtain legal advice on legal and zoning matters and potential litigation. Mr. Denger, Ms. Leonard, Mr. Crockett, Mr. Goodwin, Mr. Ruda, Mr. Winstead and Ms. Le were in attendance along with Ms. Davis-Cook and Ms. Ferguson. Mr. Denger stated that no action was taken by the Board during the closed session.

Approval of Minutes from the Board's Regular Monthly Meeting held on July 11, 2016

Minutes of the Board's regular meeting held on July 11, 2016 were circulated to the Board prior to the meeting.

Mr. Crockett moved to approve the minutes of the Board of Managers' regular meeting held on July 11, 2016, as drafted. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Approval of Minutes from the Board's Special Meeting held on August 1, 2016

Minutes of the Board's special meeting held on August 1, 2016 were circulated to the Board prior to the meeting.

Ms. Leonard moved to approve the minutes of the Board of Managers' special meeting held on August 1, 2016, as drafted. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Variance and Special Permit Requests:

- **A-7018 (Variance and Special Permit Requests): Mr. Joel Price & Ms. Elizabeth Humphrey Price, 106 Primrose Street**
 - a) Construct two (2) brick piers measuring eighteen (18) inches in both width and depth, located along either side of the front walkway. Each pier would have an attached lantern for a maximum height of six (6) feet when measured from the ground to the top of the lantern.
 - b) The proposed piers would be located both on private property and in the public right-of-way and would be located a minimum of two and one-half inches (2 ½") from the public sidewalk.
 - c) Install a fence in the Primrose Street public right-of-way, measuring a maximum of four (4) feet in height, extending from each pier running parallel with the front lot line terminating at a point in alignment with the east and west side lot lines of the property.
The proposed fence would be located five and one-half (5 ½) inches from the public sidewalk.

Mr. Crockett moved to approve the variance and Special Permit applications in Case A-7018 (a), (b) and (c) on the basis that the evidence presented, including the Staff Report and Case Synopsis, demonstrates that the applicable requirements for approval of the variance and Special Permit have been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, approving the variance and Special Permit application. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Treasurer's Report

The Treasurer's Report was distributed to the Board and posted to the Village website prior to the meeting. *No formal action was taken by the Board.*

Matters Presented for Board Discussion and Possible Action (where required)

- **Resolution No. 09-01-16:** An Ordinance to amend Chapter 6, "Penalties, Fees And Fines", Sec. 6-3, "Municipal Infraction Fines"; Chapter 10, "Health and Sanitation", Sec. 10-17, "Maximum Height Of Grass And Weeds", Sec. 10-27, "Notice to Abate

Prohibited Conditions”, Sec. 10-28, “Abatement of Prohibited Conditions by the Village” and Sec. 10-29, “Penalties”; and Chapter 25, “Public Rights-Of-Way”, Sec. 25-11, “Remedial Action and Stop Work Order”, to shorten the time for compliance with respect to growth of grass and weeds on private property and in public rights-of-way, limit the amount of notice required for repeat violations, clarify the responsibilities of owners and occupants with respect to growth of grass and weeds on private property, increase the fines for non-compliance, allow the costs of abatement on private property to be added to and collected in the same manner as taxes, and conform enforcement options.

Mr. Crockett moved to approve Resolution 09-01-16, as drafted. Mr. Winstead seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Contract/Agreement Authorization Requests:

- Paving Agreement with Washington Gas (main line replacement on Bradley Lane)

Ms. Le moved to authorize the Village Manager to execute the Pavement Restoration Agreement between the Village and Washington Gas, as drafted. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

- Professional Services Contract in an amount not to exceed \$7,000 to perform an analysis of the Village’s liability insurance coverage: *Insurance Buyer’s Council, Inc.*

Mr. Goodwin moved to authorize the Village Manager to enter into a professional services contract with the Insurance Buyer’s Council, Inc., in an amount not to exceed \$7,000 to perform an analysis of the Village’s liability insurance. Mr. Crockett seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

- Professional Services Contract for Consulting Engineering Services: *Rummel, Klepper and Kahl, LLP*

Ms. Leonard moved to authorize the Village Manager to enter into a professional services contract with Rummel, Klepper & Kahl, LLP, to provide consulting engineering services. Ms. Le seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Contract/Agreement Authorization Request:

- Replacement of the Public Works Department’s Tractor with a Skid Steer Loader in the amount of \$43,168: *Gaithersburg Equipment Company*

Mr. Crockett moved to authorize the Village Manager to purchase one (1) New Holland L228 Skid-Steer loader and associated accessories, in the amount of \$43,168 from the Gaithersburg Equipment Company. Mr. Goodwin seconded the motion. Mr. Denger, Ms. Leonard, Mr.

Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Board Discussion

- Update Regarding Western Grove Park

Ms. Wellington, Chair of the Western Grove Park Friends Group, provided an update on the development of Western Grove Park. Ms. Wellington outlined a current funding shortfall and the potential need for an additional donation from the Village to ensure completion of the park design. She noted that there are several forthcoming donations that, although they will not be received before the redevelopment is slated to be completed, have been committed for payment within the coming years. Ms. Wellington noted that the Memorandum of Understanding (MOU) between the Village and the County provides that the Village shall fund the costs for ongoing maintenance of the water feature within the park and that the MOU provides that the Village can direct that this cost is paid from the fund established by the Friends Group. Therefore, should the Village choose to fund the development shortfall, future maintenance expenses that the Village has committed to cover could be paid from the fundraising account funded by the aforementioned future donations. Discussion followed.

The Board directed Counsel to review the MOU to determine if it allows the Village to direct use of the funds. The Board will discuss this matter further at its October Board meeting. *No formal action was taken by the Board.*

- Discussion Regarding Chevy Chase Land Company's Interest in Supporting Maintenance of Chevy Chase Circle

Mr. Denger advised that the President of the Chevy Chase Land Company, Mr. Thomas Regnell, reached out to Chevy Chase Village regarding the maintenance of Chevy Chase Circle. Mr. Regnell expressed an interest in supporting the maintenance efforts to improve the appearance of the Circle. The Village staff put the Chevy Chase Land Company in contact with the Friends of Chevy Chase Circle. *No formal action was taken by the Board.*

Committee Matters

Environment & Energy Committee

- Discussion RE: Committee's Proposals to Control the Use of Leaf Blowers

Drs. Hatziolos and Grant, Co-Chairs of the Environment and Energy Committee, presented a proposal to control the use of leaf blowers in Chevy Chase Village. Discussion followed.

The Board directed the Committee to draft a memo, for Board review, regarding lawn care practices that are more environmentally responsible. Once endorsed by the Board, the memo would be sent to Village residents and landscape companies to educate and encourage green lawn care alternatives. *No formal action was taken by the Board.*

Police Report

- Board Ratification of the Memorandum of Understanding between the Village Police Department and the Montgomery County Department of Police outlining the mutually agreed upon responsibilities and authorities of each department

The Memorandum of Understanding between the Village Police Department and the Montgomery County Department of Police was distributed to the Board and posted to the Village website prior to the meeting.

Ms. Leonard moved to ratify the Memorandum of Understanding executed by Chiefs of Police J. Thomas Manager and John Fitzgerald on behalf of their respective police departments, as presented. Mr. Winstead seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

The Police Report was distributed to the Board and posted to the Village website prior to the meeting. Discussion followed. *No formal action was taken by the Board*

Board Chair's Report

- Report on Planning Board's decision regarding The Collection Chevy Chase (formerly referred to as Chevy Chase Center)

Mr. Denger stated that the Planning Board approved the site plan amendment filed by the Chevy Chase Land Company for the redevelopment of and modifications to The Collection Chevy Chase. The Planning Board directed their staff to consult with Chevy Chase Village in prior to approving the final traffic control plan for the property. Mr. Denger also stated that he expressed to the Planning Board the Village's concerns regarding the Land Company's lack of an established parking management plan for the redeveloped property; however, the Land Company has shared that they are looking into various systems and that they share the same interests as the Village and are working to ensure that short-term parking is preserved on the surface parking lot.. *No formal action was taken by the Board.*

- Special Event Consideration and Authorization

Ms. Vanessa Badre of Kirkside Drive proposed holding an event in the west corner of the Oliver Street Park, at which attendees would consume alcohol.

The Board agreed to:

- Authorize one-time, non-exclusive use of a portion (the extent of which shall be determined by staff) of the west corner of the Large Oliver Street Park on September 24, 2016 from 6:00 to 10:00 p.m.
- The organizers are required to obtain a \$1,000,000 day of event insurance policy in a form that is acceptable to the Village and that names the Village as an insured on the policy.
- The organizers must remit a \$500 damage deposit to cover potential damages and the need for post-event clean-up, including the potential for broken glass.

- The organizers must take reasonable precautions to ensure that attendees follow all applicable laws, and that alcohol is not consumed by minors, and that no alcohol is sold.

The Board will discuss at a future meeting adoption of a formal policy for the use of Village parks, possibly including permitting the consumption of alcohol.

Mr. Crockett moved to approve the applicant's request, pursuant to the above-outlined conditions. Mr. Ruda seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed.

Manager's Report

The Manager's Report was circulated to the Board prior to the meeting. *No formal action was taken by the Board.*

Adjournment

Mr. Crockett moved to adjourn the meeting. Mr. Winstead seconded the motion. Mr. Denger, Ms. Leonard, Mr. Winstead, Ms. Le, Mr. Crockett, Mr. Goodwin and Mr. Ruda voted in favor of the motion. The motion passed. The meeting adjourned at 9:05 p.m.

Attested by: Shana Davis-Cook, Village Manager

Final.